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February 29, 2008

Hon. William H. Pauley, USDJ
United States Court House, SDNY
500 Pearl Street
New York, NY 10007

Re: United States v. Ramirez
07 cr. 976 (WHP)

Dear Judge Pauley:

This letter replies to the government's letter response, dated February 25, 2008, to defendant's suppression motions.

The government claims that the basis for defendant's motion to suppress is his lack of consent for the search, and its response addresses only that aspect of defendant's motions. Lack of consent, however, is only one of the grounds on which defendant moved to suppress the physical evidence seized from his apartment.

The government did not even address either, 1) the lack of probable cause for the officers to believe that drug evidence would be found in defendant's apartment, or 2) the lack of exigent circumstances to support their entry - and subsequent search of the apartment - without first obtaining a warrant.

It is submitted that the government's failure to rebut, or even mention, the foregoing arguments is a tacit concession on the government's part and supports defendant's position. Under these circumstances, it would appear that no hearing is necessary and defendant's motions should be granted in their entirety.

Respectfully,

Louis R. Aidala
Attorney for Jorge Ramirez

cc: Christine Wong, AUSA
Jenna Dabbs, AUSA